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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/472,602	12/27/1999	DAVID J. ALLARD	BC9-99-046-(	8982

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EXAMINER

NGUYEN, CHAU T

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 07/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/472,602

Applicant(s)

ALLARD ET AL.

Examiner

Chau Nguyen

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2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Amendment B, received on 05/02/2003, has been entered. Claims 1-3, 5-13, and 15-20 are presented for examination.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-13, and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sistanizadeh et al. (Sistanizadeh), Patent No. 6,101,182, and further in view of Driscoll et al. (Driscoll), Patent No., 6,577,627.

4. As to claim 1, Sistanizadeh discloses the invention as claimed, a broadband Internet Protocol (IP) based network, comprising:

at least one customer coupled to the network via a broadband multi service proxy server (BMPS) including a database and a router (Fig. 3, col. 5, lines 29-57: computers 316-324 coupled to BMPS (router 330, DNS server 332 and DHCP server 334); col. 9, line 61 – col. 10, line 6: a database located in DHCP server);

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means for registering the at least one customer with a selected Internet Service Provider (ISP) for all IP services, prior to receiving the services (col. 10, line 25 – col. 11, line 5: DHCP server engages in an initial exchange with the customer to obtain the customer name and password based on the ISP desired);

means responsive to the ISP registration for storing in the database a customer identification, ID and password generated by the ISP (col. 10, line 25 – col. 11, line 5; and col. 10, lines 15-25: DHCP server engages in an initial exchange with the customer to obtain the customer name and password based on the ISP desired);

means for generating a DHCP message in a customer request for all IP services (col. 9, line 61 – col. 10, line 6; and col. 10, lines 15-25: a computer broadcasts a DHCP request asking for an IP address from any DHCP server);

means for receiving and routing the customer request for providing IP services to the customer (col. 9, line 61 – col. 10, line 6: DHCP server receives the request, pulls an IP address from its database then sends it to the computer); and

means for mapping a unique customer address to the DHCP request (col. 9, line 61 – col. 10: a customer is connected to the desired ISP using a Login and Password mechanism whereby the DHCP server prompts a computer making an IP Request).

However, Sistanizadeh does not disclose an extended portion identifying the selected ISP and means for directing future customer request for and responses from all IP services directly to the selected ISP or any internet service based on the updated routing tables. In the same field of endeavor, Driscoll discloses selecting an ISP 4 of

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choice by treating the standard IP packet as information, which is encapsulated within a larger packet prepended with a second header (extended portion) including the destination address of a particular ISP 4 (Abstract, and col. 3, lines 30-64). Driscoll also discloses packets sent from a source on the Internet to the user's terminal are directed to the user's ISP as defined in the network routing tables, which are updated dynamically (col. 3, line 65 – col. 4, line 9). Thus, it would have been obvious to one of ordinary skills in the art at the time the invention was made to combine the teachings of Sistanizadeh and Driscoll to include an extended portion identifying the selected ISP and means for directing future customer request for and responses from all IP services directly to the selected ISP or any internet service based on the updated routing tables, since Driscoll suggests that using addition header (extended portion) which includes the destination address of a particular ISP to allow user to select an ISP of choice.

5. As to claim 2, Sistanizadeh and Driscoll disclose the broadband network comprising:

modem means for coupling the customer to the network (Sistanizadeh, col. 6, lines 25-45: PC user connects to BMPS (router 330, DNS server 332 and DHCP server 334) via ADSL modem)); and

means for generating a unique customer address as part of the DHCP request (Sistanizadeh, col. 9, line 61 – col. 10: a customer is connected to the desired ISP using a Login and Password mechanism whereby the DHCP server prompts a computer making an IP Request).

6. As to claim 3, Sistanizadeh and Driscoll disclose means for storing customer address information in the database (Sistanizadeh, col. 10, lines 15-60: DHCP server engages in an initial exchange with the customer to obtain the MAC address, the customer name and password).

7. As to claim 5, Sistanizadeh and Driscoll disclose routing means coupled to the BMPS for serving a plurality of ISPs (Sistanizadeh, col. 5, line 29 – col. 6, line 3: information providers (ISP) such as AOL and Compuserve are shown in Fig. 3 at 354 and 356 connected to the ISPs by T1 lines 358 and 360).

8. As to claims 6 and 13, Sistanizadeh and Driscoll disclose a broadband multi service proxy server, comprising:

means coupling the server via a router to a broadband IP based network serving a plurality of customers (Sistanizadeh, Fig. 3, col. 5, lines 29-57: computers 316-324 coupled to BMPS (router 330, DNS server 332 and DHCP server 334); col. 9, line 61 – col. 10, line 6: a database located in DHCP server);

means coupling the server and the router to an IP network via at least one Internet Service Providers (ISP) in a plurality of ISPs (Sistanizadeh, col. 5, line 29 – col. 6, line 3 and Fig. 3);

means for generating a customer request including a DHCP message for access to the IP network (Sistanizadeh, col. 9, line 61 – col. 10, line 6; and col. 10, lines 15-25:

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a computer broadcasts a DHCP request asking for an IP address from any DHCP server), the extended DHCP message including an identification of a selected ISP for all ISP services (Driscoll, Abstract, and col. 3, lines 30-64);

means enabling the customer to access the selected ISP of choice for IP network services (Sistanizadeh, col. 13, lines 12-27); and

means for directing future customer requests for and responses from IP services directly to the selected ISP or any selected internet service after updating routing tables in the router (Driscoll discloses selecting an ISP 4 of choice by treating the standard IP packet as information, which is encapsulated within a larger packet prepended with a second header (extended portion) including the destination address of a particular ISP 4 (Abstract, and col. 3, lines 30-64). Driscoll also discloses packets sent from a source on the Internet to the user's terminal are directed to the user's ISP as defined in the network routing tables, which are updated dynamically (col. 3, line 65 – col. 4, line 9)).

means for mapping a unique customer address to the DHCP request (col. 9, line 61 – col. 10: a customer is connected to the desired ISP using a Login and Password mechanism whereby the DHCP server prompts a computer making an IP Request).

9. As to claim 7, Sistanizadeh and Driscoll disclose means for storing the unique address in the server as an origination source for a customer request (Sistanizadeh, col. 9, line 61 – col. 10, line 6).

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10. As to claim 8, Sistanizadeh and Driscoll disclose means for pre- registering a customer for IP service with an ISP prior to generating a customer request (Sistanizadeh, col. 10, lines 25-60; Driscoll, Abstract, and col. 3, lines 30-64); and

means for sending the server customer ID and password for customers registered by the ISP (Sistanizadeh, col. 10, lines 25-60) .

11. As to claim 9, Sistanizadeh and Driscoll disclose means for sending a DHCP and unique customer address in a customer request for access to the IP network (Sistanizadeh, col. 9, line 61 – col. 10, line 6; and col. 10, lines 15-25: a computer broadcasts a DHCP request asking for an IP address from any DHCP server);

means for receiving the customer request and storing the unique customer address in a database coupled to the server (Sistanizadeh, col. 9, line 61 – col. 10, line 6).

12. As to claim 10, Sistanizadeh and Driscoll disclose means for sending the server an extended DHCP response and customer assigned address for customer requests validated by the ISP (Driscoll discloses selecting an ISP 4 of choice by treating the standard IP packet as information, which is encapsulated within a larger packet prepended with a second header (extended portion) including the destination address of a particular ISP 4 (Abstract, and col. 3, lines 30-64). Driscoll also discloses packets sent from a source on the Internet to the user's terminal are directed to the user's ISP

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as defined in the network routing tables, which are updated dynamically (col. 3, line 65 – col. 4, line 9)).

13. As to claim 11, Sistanizadeh and Driscoll disclose means for mapping validated customer requests to the unique customer address (Sistanizadeh, col. 10, lines 25-40); and

means emulating the ISP and sending the customer a DHCP response to the customer request (Sistanizadeh, col. 13, lines 12-27).

14. As to claim 12, Sistanizadeh and Driscoll disclose means for validating a customer request for access to the IP network at the ISP of customer choice (Sistanizadeh, col. 1, lines 8-15, col. 12, line 47 – col. 13, line 27, and Figs. 1, 8A, and 8B).

15. As to claim 15, Sistanizadeh and Driscoll disclose emulating the ISP by the server means and sending a DHCP reply to the customer followed by updating the switching means to allow the customer to access the ISP of choice (Sistanizadeh, col. 13, lines 12-27; and Driscoll, Abstract, and col. 3, line 30 – col. 4, line 9).

16. As to claim 16, Sistanizadeh and Driscoll disclose checking the extended DHCP message by the ISP to determine if the customer is approved to receive IP services (Sistanizadeh, col. 13, lines 36-56).

17. As to claim 17, Sistanizadeh and Driscoll disclose notifying the server when the ISP determines the customer is not approved to receive IP services (Sistanizadeh, col. 11, lines 18-39).

18. As to claim 18, Sistanizadeh and Driscoll disclose sending the server a customer ID and password for customers registered by the ISP (Sistanizadeh, col. 10, lines 15-24).

19. As to claim 19, Sistanizadeh and Driscoll disclose sending the server extended DHCP response and customer assigned address for customer requests validated by the ISP (Sistanizadeh, col. 11, lines 18-39).

20. As to claim 20, Sistanizadeh and Driscoll disclose the unique customer address is a MAC address (Sistanizadeh, col. 10, lines 25-31).

***Response to Arguments***

21. Applicant's arguments filed on Nov 18, 2002 have been fully considered but they are not deemed to be persuasive. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection as explained above, necessitated by Applicant's substantial amendment to the claims which significantly affected the scope thereof.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (703) 305-4639. The Examiner can normally be reached on Monday-Friday from 7:30am to 4:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mark Powell, can be reached at (703) 305-9703.

The fax phone numbers for the organization where this application is assigned are as follows:

(703) 746-7238 (After Final Communications only)

(703) 746-7239 (Official Communications)

(703) 746-7240 (for Official Status Inquiries, Draft Communications only)

Inquiries of a general nature relating to the general status of this application or proceeding should be directed to the 2100 Group receptionist whose telephone number is (703) 305-3900.

Chau Nguyen  
Patent Examiner  
Art Unit 2142

  
MARK POWELL  
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